

Remarks/Arguments

By this amendment, claims 22, 25 and 26 have been canceled and claims 1, 24, and 26 have been amended as indicated above. **The claims remaining in consideration are claims 1-5, 9-14, 18-21, 24, 26-36 and 38-42. The independent claims remaining are claims 1 and 24.** No new matter has been added by this amendment.

Claims Rejections – 35 USC § 112

Claim 1 was rejected under 35 USC § 112. By this amendment the objected to double inclusion language has been deleted. In addition, the use of “,” and “;” in claim 1 and throughout the remaining claims has been amended for clarification. The phrase “whereby M is” has been replaced with “wherein M is”. All references to R’ in claim 1 have been deleted. Finally, the phrase “n is the ligand number” has been replaced with “n is the number of ligands” for clarification.

Claim 24, which has been amended to include many of the limitations of former claim 1, has also been amended to address this rejection.

At page 6, paragraph 10 of the Office Action, the Examiner indicated that claim 22 would be allowable if amended to overcome the rejection under 35 U.S.C. §112, second paragraph. However, the applicants note that the Examiner did not direct any of his comments in his discussion of §112 rejections to claim 22. The applicants have attempted to amend claim 1, which now incorporates the limitations of claim 22, to address the issues raised generally by the Examiner.

Based on the amendments made herein, the applicants request reconsideration of this rejection.

Claims Rejections – 35 USC §102

Claims 1-5, 9-14, 18-21 and 24 are rejected under 35 USC 102(a) as being anticipated by Roseboom et al., U.S. Patent No. 5,882,799 (hereinafter “Roseboom”).

Claim 1 has been amended to the limitations of claim 22, which the Examiner indicated as allowable over Roseboom if amended to address the rejection under 35 U.S.C. §112. Therefore, amended claim 1 should now be allowable.

The Examiner also indicated that claim 25 would be allowable and rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicants have done so by incorporating the limitations of claim 25 into claim 24, which has also been amended to include the limitations of former claim 1.

Claims 2-5, 9-14, 18-21, and 38-42 which depend from and include the limitations of claims 1 or 24, overcome the rejection under 35 U.S.C. § 102(a) in the same manner as claims 1 and 24. Therefore, the applicants respectfully submit that claims 1-5, 9-14, 18-21, and 38-42 overcome the rejection under 35 U.S.C. §102(a) and patentably distinguish over Roseboom.

The Examiner objected to claims 27-36 as being dependent on a rejected base claim. Because claim 1 should now be allowable, as discussed above, claims 27-36 should also be allowable.

It is submitted that the application is now in condition for allowance and an early notice of allowability is solicited.

Respectfully submitted,



H. Frederick Rusche
Reg. No. 45,061
Husch & Eppenberger, LLC
190 Carondelet Plaza
St. Louis, MO 63105
314-480-1641
314-480-1505 FAX



RECEIVED
OCT 07 2003
TC 1700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on September 26, 2003.

Lisa Schodrowski
Lisa Schodrowski Typed or printed name
Lisa Schodrowski
Signature